

02/01/99

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Patent Application of: Mark Lyte

Title: COMPOUNDS FOR MODULATING GROWTH OF INFECTIOUS AGENTS

Attorney Docket No.: 933.001USR

A/RE

U.S. PTO  
JC135 09/24/99  
1825  
02/01/99

## REISSUE PATENT APPLICATION TRANSMITTAL

## BOX PATENT APPLICATION

Assistant Commissioner for Patents  
Washington, D.C. 20231

We are transmitting herewith the following attached items and information (as indicated with an "X"):

Application for **REISSUE** of U.S. Utility Patent No. 5,629,349 (Mark Lyte) comprising:

- Communication Re: Transmittal of Reissue Application (2 pgs).
- Copy of the entire specification of the patent (16 columns, including claims numbered 1 through 2 and an abstract).
- Copy of the printed drawings of the patent (sheets 1 through 16).
- Declaration [of Inventor] for Broadening Reissue Application (10 pgs).
- Offer to Surrender Original Patent (1 pg).
- Assent by Assignee and Power of Attorney (2 pgs).
- Request to Transfer Drawings (1 pg).
- Check in the amount of \$476.00 to pay the filing fee.

Information Disclosure Statement (4 pgs), Form 1449 (1 pg), and copies of cited references (6).

Claims Amendment and Discussion (10 pgs).

Reassignment Agreement (1 pg), recordation cover sheet, and check in the amount of \$40.00 to pay the recordation fee.

Contribution Agreement (2 pg), recordation cover sheet, and check in the amount of \$40.00 to pay the recordation fee.

Return postcard.

The filing fee has been calculated below as follows:

	No. Filed	No. Extra	Rate	Fee
TOTAL CLAIMS	22 - 20 =	2	x 9 =	\$18.00
INDEPENDENT CLAIMS	5 - 3 =	2	x 39 =	\$78.00
[ ] MULTIPLE DEPENDENT CLAIMS PRESENTED				\$0.00
BASIC FEE				\$380.00
TOTAL				\$476.00

Please charge any additional required fees or credit overpayment to Deposit Account No. 19-0743.

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.  
P.O. Box 2938, Minneapolis, MN 55402 (612-373-6900)By: Mark A. Litman  
Atty: Mark A. Litman  
Reg. No. 26,390

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"Express Mail" mailing label number: EM287852441US

Date of Deposit: February 1, 1999

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Box Patent Application, Washington, D.C. 20231.

By: Chris HammondSignature: Chris Hammond

Patent and Trademark Office in connection therewith, and to receive the Letters Patent. Please direct all communications to the following:

Mark A. Litman, Esq.  
SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.  
1600 TCF Tower  
121 South Eighth Street  
Minneapolis, MN 55402  
(612) 373-6975

**CERTIFICATE UNDER 37 CFR §3.73(b)**

BioNutrix, LLC, hereby certifies that it is the assignee of the entire right, title, and interest in U.S. Patent No. 5,629,349 identified above by virtue of a contribution agreement from the inventor, Mark Lyte, dated June 17, 1998, a copy of which is submitted concurrently herewith for recordation. To the best of my knowledge and belief, title is in the assignee, BioNutrix, LLC.

Pursuant to 37 C.F.R. §3.73(b) I hereby declare that I am empowered to sign this certificate on behalf of the assignee, BioNutrix, LLC.

I hereby declare that all statement made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true.

Date: 2.1.99

Signature: 

Name : Ted Schwarzrock

Title : President, BioNutrix, LLC

**REISSUE**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Mark Lyte

Serial No.: Unknown

Filed: Concurrently Herewith

Docket: 933.001USR

Title: COMPOUNDS FOR MODULATING GROWTH OF INFECTIOUS AGENTS

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**COMMUNICATION RE: TRANSMITTAL OF REISSUE APPLICATION**

BOX PATENT APPLICATION

Assistant Commissioner for Patents

Washington, D.C. 20231

Sir:

Please find enclosed herewith an application for reissue of U.S. Patent No. 5,629,349, issued on May 13, 1997, to Mark Lyte and entitled "Compounds for Modulating Growth of Infectious Agents", which reissue application includes the following:

1. Reissue Application including Specification, Claims, Abstract, and Drawings;
2. Declaration [of Inventor] for Broadening Reissue Application;
3. Offer to Surrender Original Patent;
4. Assent by Assignee and Power of Attorney;
5. Request to Transfer Drawings and copy of drawings as printed in patent of parent application;
6. Information Disclosure Statement, Form 1449, and copies of cited references;
7. Claims Amendment and Discussion;
8. Reassignment Agreement, recordation cover sheet, and check to pay recordation fee;
9. Contribution Agreement, recordation cover sheet, and check to pay recordation fee; and
10. A check to pay the reissue filing fee.

Please charge any additional required fees, or credit overpayment, to Deposit Account  
No. 19-0743.

Respectfully submitted,

MARK LYTE

By his Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.  
P.O. Box 2938  
Minneapolis, MN 55402  
(612) 373-6975

Date 1 February 1999 By Mark A. Litman  
Mark A. Litman  
Reg. No. 26,390

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Chris Hammond  
Name

Chris Hammond  
Signature